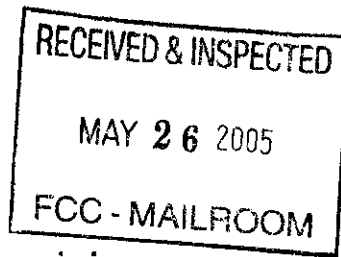


May 24, 2004



PR Docket
91-258

DOCKET FILE COPY ORIGINAL

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Subject: City of Brooklyn, Cuyahoga, Ohio, and Medina County, Ohio; Petition for Reconsideration to Deny the Grant of Modification to The State of Ohio's Application WPQF782.

Dear Ms. Dortch:

On behalf of the City of Brooklyn, Ohio and Medina County, Ohio (Joint Petitioners), the attached original and four copies of the "Petition For Reconsideration To Deny the Grant of The State of Ohio's Application for modification to call sign WPQF782" are presented for filing with the Federal Communications Commission's Wireless Telecommunications Bureau.

Should there be any questions regarding this submittal, please contact this office.

Sincerely,

Jack Murphy
Chief of Brooklyn Police
216-749-1234

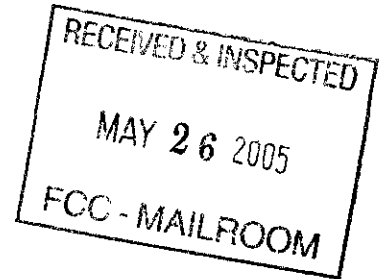
Charles P. Adams
Director of EMA, Medina County
330-772-9240

Attachment

cc. Michael Wilhelm (FCC Washington D.C.)
Herbert Zeiler (FCC Washington D.C.)
Michael Regiec (FCC Gettysburg)

No. of Copies rec'd 014
List ABCDE

**Before the
Federal Communications Commission
Washington, D.C. 20554**



In the Matter of)
)
State of Ohio) FCC File Number
) 0002106060
Modification for license)
WPQF782 to add)
NPSPAC Frequency)
)

**To: Private Wireless Branch,
Wireless Telecommunication Bureau**

PETITION FOR RECONSIDERATION - TIMELY ACTION REQUESTED

The City of Brooklyn in Cuyahoga County, Ohio and Medina County, Ohio (Joint Petitioners), by way of this request and pursuant to the Code of Federal Regulations 47 (CFR 47) of the Federal Communications Commission ("FCC" or "Commission") Act,¹ Section 1.106 as amended and any other rules or regulation that have been omitted, hereby respectfully requests the Wireless Bureau of the FCC to reconsider the granting of modification to WPQF782 by denying or setting aside their decision of the requested modification. The Joint Petitioners also hereby request the FCC staff to perform their required due diligence to investigate and determine if any of their extended regulatory representatives have violated the authority and public trust that has been placed on them by the people, when so certified as a representative of the FCC.

¹ See C.F.R. 47 sec. 1.106

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INTRODUCTION

The Joint Petitioners are requesting that the FCC reconsider their actions and deny the State of Ohio's license application for a modification to call sign WPQF782. This Petition for Reconsideration will provide information and evidence of the following

In order for the FCC to fully understand the adverse effects that the Joint Petitioners have suffered, it is imperative that the FCC fully appreciates the circumstances that have brought this request to them.

It is apparent the FCC, along with all acting branches of governmental agencies, have adopted policies designed to ensure that every citizen of the United States can have complete confidence in the integrity of governmental practices and decisions. This includes any and all employees of the Federal, State, and Local agencies that represent the needs of our citizens. The FCC, along with the other executive branches that serve our citizens, has based their philosophy on **"public service is a public trust"**. With that understanding in our United States, the citizens can and should be able to have complete trust and confidence in the Government, whether it is Federal, State or at the Local levels and that they will receive freely, fair and equal treatment under the law. When the people pursue an option for guidance from a representative of the Government, whether it is a representative of any Government Agency, a sub-contractor working for that Agency, or an official delegated by an Agency of the Government, they do so with the inherent understanding that there is a certain public trust that they can be assured from their own Government. They believe that when asking a representative of any Government Agency for assistance, they place their complete confidence and trust of their local interest and needs within these agencies because of the philosophy *"public service is a public trust"*. Therefore, the Joint

Petitioners request Commission action to investigate and remedy the above-captioned authorization of modification to the State of Ohio, for the reasons set forth below.

SUBJECT MATTER

1. International Municipal Signal Association (IMSA), a FCC Certified Frequency Coordinator (CFC), misrepresented their qualifications and capabilities as a FCC CFC for the coordination of National Public Safety Plan Advisory Committee (NPSPAC) frequencies, by requesting an outside non-certified consultant, ACD Telecom, to perform these certified duties and whose questionable practices resulted in one of the Joint Petitioner's requested NPSPAC application for frequencies being denied.
2. The NPSPAC Region 33 (State of Ohio) Frequency Advisory Committee (FAC) is a committee of one person. This one individual holds multiple high level influential administrative positions; the Chairperson for the Region 33 NPSPAC FAC, the State of Ohio APCO Frequency Advisor, the 700 MHz Committee Chairperson, and the individual responsible for the State of Ohio's statewide wireless communications network. The NPSPAC Region 33 FAC, operating as a committee of one person who holds so many positions that influence the determination of frequency allocation within the State of Ohio, eliminates the checks and balances required by the FCC to ensure a fair, unbiased and equitable approach to the distribution of spectrum.
3. The State of Ohio and the Region 33 Chairperson, taking advantage of the chaos created by item 1, above, and having presumed control over the NPSPAC frequency allocation within the State by their incestuous position as stated in item 2, above, applied for and was granted a modification of license WPQF782 for one (1) 800 MHz channel that had been previously

applied for by the City of Brooklyn in November 2004. This channel was originally allocated to the Turnpike Authority for use in Cuyahoga County by the FCC accepted NPSPAC Region 33 Public Safety Plan and therefore useable within the county. Nonetheless the State of Ohio also applied for and was granted two (2) channels that were allocated to Medina County under the same accepted FCC NPSPAC Region 33 Public Safety Plan and were not authorized for use by the State of Ohio.

4. The State of Ohio has harvested the vast majority (205 of 230) of the NPSPAC channel pairs under call sign WPQX322². This leaves insufficient channels available for equitable geographical distribution for use by any other County, City or Township. This situation gives the appearance that the State of Ohio unethically applied for and received licenses for every NPSPAC channel except 25 channels within the state.

BACKGROUND AND EVIDENCE

This section expands upon each numbered point presented in the Subject Matter section and provides the evidence to support these points.

1. International Municipal Signal Association (IMSA), a FCC Certified Frequency Coordinator (CFC), misrepresented their qualifications and capabilities as a FCC CFC for the coordination of National Public Safety Plan Advisory Committee (NPSPAC) frequencies, by requesting an outside non-certified consultant, ACD Telecom, to perform these certified duties and whose questionable practices resulted in one of the Joint Petitioner's requested NPSPAC application for frequencies being denied.

In the early part of March 2004, the Joint Petitioners placed confidence and trust with an agency that is representing the FCC. This agency, “International Municipal Signal Association” (IMSA), is a direct representative of the FCC and has been delegated the authority³ to coordinate NPSPAC⁴ frequency requests. By so certified and granted by the FCC, IMSA is eligible to coordinate such a request. Due to the fact that IMSA is a direct representative of a branch of the Federal Government, the FCC, the Joint Petitioners assumed that a standard official, professional, and ethical code-of-conduct applied to all delegated authority. The Joint Petitioners believed that this code of conduct was designed to instill confidence in the integrity of the Government and all representatives of the Government. As a representative of the FCC, the Joint Petitioners assumed that all IMSA employees were also considered public officials/officers and were subject to the same executive level regulations, by enforcing regulatory statutes, following the rules, being impartial, and having unbiased interpretations of the rules.

The City of Brooklyn in Cuyahoga County, Ohio submitted an FCC License Application request to the FCC CFC, IMSA, for coordination of a NPSPAC Region 33 request for three (3) frequencies (866.7625, 868.7375, and 866.8250). The City of Brooklyn assumed that by submitting the license application request thru an FCC CFC that the application would be submitted to the Region 33 NPSPAC Frequency Advisory Committee (FAC) in a completed package by IMSA. The City of Brooklyn also trusted IMSA to inform them if any additional information was needed, or if problems were encountered during the process. In short, the City of Brooklyn trusted IMSA, as a certified representative of the FCC, to navigate the licensing process and ensure that a complete and proper application would be processed. Unbeknownst to

² See FCC License for Call Sign WPQX322

³ See FCC Doc Certification for Coordination.

⁴ See FCC Gen. Doc 87-112 National Plan

the City of Brooklyn, the application was forwarded by IMSA to a Consultant, ACD Telecom, who works for IMSA under a Letter of Understanding. The City of Brooklyn was assured by this representative of IMSA that every possible avenue would be undertaken to secure the requested frequencies for the City's Public Safety Agencies. The City of Brooklyn was led to believe that this entity performs all the duties for all applications requesting NPSPAC frequencies for the Certified Frequency Coordinator IMSA. *(However, the City of Brooklyn now has been told by IMSA that this consulting firm does not have certification from the FCC and that IMSA has no knowledge of what transpired between this consulting firm, ACD Telecom, and the City of Brooklyn.)*⁵ Believing in the FCC prior approval and certification of this coordination body, IMSA, the City of Brooklyn had no prior knowledge that ACD Telecom was acting in any other capacity other than a representative of the FCC. The City of Brooklyn, upon receiving the denial of the frequency request, investigated ACD Telecom and determined that this firm was not an actual employee or representative of the FCC and the work that was submitted by ACD Telecom was inadequate according to the Region 33 NPSPAC Plan. According to the City of Brooklyn's records obtained from IMSA and emails sent to the City of Brooklyn by the NPSPAC Region33 Frequency Advisory Committee (FAC) Chairperson, Mr. Paul Mayer, and ACD Telecom, the City of Brooklyn's NPSPAC frequency request was denied due process within the parameters of the Region 33 Public Safety Plan⁶. The following is a chronological list of correspondence⁷ between the various parties. The Petitioners feel they were not allowed the same impartiality and due process because of reason set forth below.

⁵ See Exhibit B, Fax Cover Sheet from IMSA stating "For questions, please contact our 800 MHz Coordinator, Ali Shahnami.", i.e. ACD Telecom

⁶ See Public Safety Plan State of Ohio Region 33 PR Doc. 91-258

- **April 13, 2004** Letter from Donald Flahan (Region 33 NPSPAC FAC Chairman) to the FCC granting his approval of the City of Brooklyn's requested channels prior to his retirement.
- **May 17, 2004** Paul Mayer sends an email to the FCC asking for information concerning Canada use of NPSPAC channels and admits that he is aware that the City of Cleveland and Cuyahoga County are talking about a massive upgrade of their communication networks. He also states that he has a copy of the Region 33 NPSPAC plan.
- **May 18, 2004** FCC acknowledges that they were not aware that Paul Mayer was both the 700 and 800 Regional Planning Chair and asks him for confirmation that this is a true assumption.
- **May 18, 2004** Paul Mayer acknowledges to the FCC that he is both 700 and 800 Chairperson.
- **November 11, 2004** IMSA certified the City of Brooklyn's application for approval for the requested channels.⁸
- **December 9, 2004 1:36pm** ACD Telecom asks the FCC, via email, about the status of Chairmanship in regards to Region 33-Ohio. ACD also references an attachment.
- **December 9, 2004 sometime between 1:36 pm and 2:06 pm** FCC responds to ACD Telecom regarding the status of the Region 33 Chairmanship and also advises ACD that Don Flahan's letter does not identify when he retired and, most importantly, the letter should state that Mr. Flahan, as the outgoing Regional

⁷ See Exhibit A, Chronological Correspondence

⁸ It is now understood that this certification was a misrepresentation of due process of NPSPAC Policy. Certification is only given by a letter from the NPSPAC Region Chairperson once the FAC has approved the application request by the given public safety entity.

Chairperson, approves assigning Paul Mayer as the new Regional Chairperson. The letter referenced by the FCC letter is believed to be the April 13, 2004 letter from Donald Flahan.

- **December 9, 2004 2:06 pm** ACD acknowledges FCC response and states that he will tell Don Flahan to modify his letter accordingly and then will resubmit.
- **December 9, 2004 2:33 pm** FCC responds to ACD Telecom that the Region 33 Plan provides for the Chairmanship to be recognized as the APCO Local Advisor and that ACD Telecom should send the application to Paul Mayer for review and approval.
- **December 9, 2004 4:02 pm.** ACD Telecom addresses Paul Mayer as the Region 33 Chairperson and that ACD is sending the attached application from the City of Brooklyn for review and approval. ACD also refers to the April 13, 2004 letter from Don Flahan. (This letter was never changed, against the advice of the FCC earlier that day.)
- **December 20, 2004** ACD Telecom sends email to Paul Mayer Region 33 Chairman asking for status on City of Brooklyn, Ohio NPSPAC request.
- **December 20, 2004** Region 33 Chairman Paul Mayer replies to ACD earlier email and asks ACD to supply information according to attachment. Attachment reads; (Documentation required with an 800 MHz NPSPAC application.)
- **December 20, 2004** ACD Telecom forwards a copy of the application for the City of Brooklyn, Ohio and Region 33's request for supplemental information to the City of Brooklyn's representative (Alan Close).
- **February 10, 2005** City of Brooklyn's representative (Alan Close) sends email to Regional Chairperson Paul Mayer with answers to the supplemental information form.

- **February 11, 2005** State of Ohio submits modification of existing license WPQF782 to APCO for the very same frequencies that the City of Brooklyn has in pending application at the NPSPAC Region 33 Frequency Advisory Committee. (see FCC modification file number 0002106060 with committee approval letter dated February 11, 2005 attached.)
- **February 24, 2005** The City of Brooklyn's representative (Alan Close) sends email to NPSPAC Region 33 Chairperson inquiring about an interference issue concerning the City of Parma and asks about the status of the City of Brooklyn's application for the three channels coordinated through IMSA.
- **February 25, 2005 8:30 am** NPSPAC Region 33 Chairperson, Paul Mayer, emails City of Brooklyn's' representative, Alan Close, and responds to the question regarding the City of Parma interference problems that Alan Close requested in his February 24, 2005 email, but fails to provide the status of the City of Brooklyn's application.
- **February 25, 2005 8:50 am** NPSPAC Region 33 Chairperson, Paul Mayer, sends a follow-up email to Alan Close to address the other request for information concerning City of Brooklyn's application that is awaiting an answer from the NPSPAC Region 33 Frequency Advisory Committee. He states in his email that he didn't receive any questionnaire back from Alan Close or ACD Telecom. Paul Mayer then states "As to the frequencies, 866.7626 and 868.7375 are designated in the Region 33 Plan for Turnpike Operations. As such, they will be absorbed into the MARCS in the very near future. 866.8250 is ok, un-used and assigned to Cuyahoga County."
- **March 2, 2005 1:05 pm** City of Brooklyn's representative (Alan Close) sends email to ACD Telecom stating that he received the above email from Regional 33

Chairperson Paul Mayer. Alan Close states that he finds this response to be unacceptable and asks ACD Telecom for help. No response comes from ACD Telecom or from IMSA, thus letting the City of Brooklyn representative to try and remedy the problem himself.

Expectation of the City of Brooklyn's agreement with IMSA

It was the City of Brooklyn's understanding and expectation that by hiring IMSA they would be handling this process completely, and all requests from the NPSPAC Region 33 Committee were to be handled between these two entities. It was also the City of Brooklyn's belief that ACD Telecom was an acting representative of IMSA, thus an acting representative of the FCC, and therefore, ACD Telecom understood what guidelines applied when submitting a request for NPSPAC channels through the NPSPAC Region 33 FAC. It was also the City of Brooklyn's understanding that because ACD Telecom was representing the City of Brooklyn before the NPSPAC committee for IMSA, ACD Telecom understood and would adhere to the procedures and policies that are outlined by the NPSPAC Region 33 Plan.⁹ The City of Brooklyn relied solidly upon the advice of the FCC Certified Frequency Coordinator, IMSA, to navigate through the policies and procedures when applying for the requested channels. However, when the City of Brooklyn's application reached the NPSPAC Region 33 Committee, the basic documentation was not attached to the request; thus causing the delays within the process.¹⁰ It wasn't until much later that the City of Brooklyn followed up with the NPSPAC Region 33 Chairman verbally that the City of Brooklyn was made aware that a supplemental form was required before the application was reviewed. According to the correspondence

⁹ See PR. Doc 91-258

¹⁰ See Exhibit C , PR Doc 91-258 Region 33 Public Safety Plan for Ohio Pg. 10 Item 5

between the City of Brooklyn's representative and ACD Telecom via email, there was no request from ACD Telecom to the City of Brooklyn's representative (Alan Close) to take any action or provide any additional information concerning Mr. Mayer's request for more information.¹¹

However, after the City of Brooklyn's representative (Alan Close) attempted to contact ACD Telecom on numerous occasions and no return calls were made by ACD Telecom, the City of Brooklyn's representative forwarded the information requested by the NPSPAC Region 33 Chairman, Paul Mayer.

2. The NPSPAC Region 33 (State of Ohio) Frequency Advisory Committee is a committee of one person.

The 800 MHz National Plan was developed in response to a congressional directive¹². In Public Law 98-214 the Commission was directed to (1) establish a plan which ensures that the needs of State and local public safety authorities are taken into account in making allocations of the electromagnetic spectrum; and (2) recognize such needs in making such allocations pending adoption of such plan.

The 800 MHz National Plan was revised many times before it was accepted as policy.¹³ To ensure that the 800 MHz National Plan was followed, the FCC recommended that the United States be separated into regions and that each region develop their own plan taking into account their own communication requirements. The 800 MHz Regional plans were to be developed with the objective of assuring that the frequencies allocated to the Region would be distributed in an equitable fashion to Public Safety and Special Emergency Radio Service eligible organizations with the highest demonstrated need, and that these frequencies would be assigned

¹¹ See Exhibit A: Chronological Correspondence, emails correspondence between Paul Mayer and ACD Telecom (Ali Shahnami) and between ACD Telecom (Ali Shahnami) and Alan Close.

¹² See FCC Authorization Act 1983-Public Law No. 98-214

and used in the most efficient application.¹⁴ Each Region would develop their own 800 MHz Regional Plan and create an oversight committee, thus establishing the National Public Safety Planning Advisory Committee (NPSPAC or Committee), and these Plans and Committees would be under the umbrella of the 800 MHz National Plan and the FCC rules and regulations would apply. Each Regional Plan and Committee would follow the FCC policy guidelines, technical standards, and procedures to satisfy public safety communications requirements for the foreseeable future. The FCC directed that any parties interested in public safety for the planning effort were invited to participate in the annual Committee meetings when announced. The FCC directed NPSPAC to (a) identify communications requirements of public safety services; (b) develop a scheme for efficient use of the new frequencies; (c) develop a scheme to increase utility of existing public safety frequencies; (d) recommend the manner in which new technologies can be applied to public safety frequencies and; (e) recommend guidelines to ensure compliance with the National Plan.

While each Regional Planning Committee was to adhere to the above practices of FCC rules and regulations in R & O 87-112, each Committee had requirements that were listed within their own state's allocation plan. If modifications of any NPSPAC Plan occurred, the FCC required that they receive written notification of the modification, and the public had to be notified by the Committee through the process of a meeting of membership.

According to the FCC accepted NPSPAC Region 33 Frequency Advisory Committee Plan¹⁵ the Oversight Committee shall be the Frequency Advisory Committee of the Ohio Chapter, Associated Public-Safety Communications Officers, Inc. The Chairman shall be the recognized APCO Local Advisor. The NPSPAC Region 33 Plan also states that the Committee

¹³ See FCC action on the following Gen Doc. 84-1231, 84-1233, 84-1234, and 87-112

¹⁴ See 91-258 page 4, I. Purpose item 2.

¹⁵ See Exhibit D, FCC Gen Doc 98-214, pages 15 and 16

shall be a representative of all public-safety users and the *Chairman* shall only vote when a tie has taken place. The Region 33 plan also states that Robert's Rules of Order shall govern all matters not covered within the plan and the Committee shall act impartially regarding all plan matters. The Region 33 Plan continues by stating that the committee shall evaluate applications that are submitted in accordance with a Point Value Rating as specified in Appendix D on pg D. Finally, this section of the Region 33 Plan states; "Exceptions to this guideline rests with a committee consisting of persons responsible for routine frequency coordination within the Department of Transportation and the Department of Highway Safety, Division of Highway Patrol and the named Ohio Frequency Advisory Committee (FAC) Chairman. If one of the above named person holds two (2) position of this committee, a third person is to be named by the Manager, State Telecommunications Division or Department of Administrative Services.

The City of Brooklyn's investigation into this matter has determined that not only is the NPSPAC Region 33 Committee a committee of one person, the Region 33 Chairperson has violated numerous sections of the Plan. In conversations with the NPSPAC Region 33 Chairperson, Mr. Paul Mayer, he admits that no Region 33 Committee meetings have been held since he took over as chairperson and that he, individually without the assistance of other committee members, reviews all NPSPAC Region 33 frequency requests. Mr. Mayer is also the State of Ohio APCO Frequency Advisor, the 700 MHz Committee Chairperson, and the individual responsible for the State of Ohio's statewide wireless communication network.

The FCC has stated¹⁶; *In order to meet public safety communications needs as effectively as possible, however, we believe that broad participation in the planning process is critical. We conclude, therefore, that membership on these committees must be open to representatives from all eligible user groups, including governmental and non-governmental*

entities. Only in this way can we assure that the needs of all potential spectrum users will be considered. The FCC continues; The Committee should promptly adopt operating procedures to govern its operations. These procedures must ensure that all entities will be treated fairly in the planning process.

The Joint Petitioners contend that the NPSPAC Region 33 Frequency Advisory Committee, operating as a committee of one person who also holds many influential positions within the State's Public Safety Wireless Communications infrastructure not only eliminates the checks and balances required by the FCC to ensure a fair and unbiased approach to frequency allocation, but is also a flagrant violation of the public trust and the letter of the law.

3. The State of Ohio, taking advantage of the chaos, and the presumed control over frequency allocation within the State by their incestuous position, applied for and received a grant of licenses for frequencies that were requested by the Joint Petitioners.

The most disturbing event discovered during the Joint Petitioner's investigation into this matter was the discovery that within one day after the City of Brooklyn's request for NPSPAC channels supplemental documentation was provided to the regional Chairperson¹⁷, the NPSPAC Chairperson, Paul Mayer, on behalf of the State of Ohio, submitted a license application for modification of callsign WPQF782¹⁸ and filed it through APCO¹⁹ with an attachment from the Chairman stating that the Committee had approved these channels for the State of Ohio MARCS program, coincidentally for one of the identical channels (868.7375) that the City of Brooklyn had

¹⁶ See FCC Gen. Doc 87-112 National Plan. Pg. 15 Item 9

¹⁷ See Exhibit A; email to Paul Mayer from Brooklyn's representative (Alan Close) Dated February 10, 2005

¹⁸ See APCO submission of application and attachment of WPQF782 Dated February 11, 2005

¹⁹ It is a policy of APCO that no NPSPAC Chairperson can certify his own applications, However, it is our understanding that this action sometimes happens and a request from a NPSPAC Chairperson is not scrutinized as thoroughly as other applications.

an application pending at NPSPAC.²⁰ (*At no time did the NPSPAC Region 33 Chairperson make mention that the State of Ohio had presented an application to the NPSPAC committee requesting the channels which the City of Brooklyn requested back in November.*) In truth, the Chairman does not mention that the State of Ohio applied for the City of Brooklyn's channel. Also, in truth, and according to Paul Mayer's email to the City of Brooklyn, dated February 25, 2005 8:50 am, he totally omits providing this information to the City of Brooklyn.

What the Region 33 Chairperson, Paul Mayer, does say is that the City of Brooklyn can have one (1) of the requested channels right away but, he would like to hold onto the other two (2) requested channels until the Ohio State MARCS Program applies for them and they can absorb them into the State's system at a later date. However, this is a moot point, because Paul Mayer had already applied for the City of Brooklyn's requested channel. At that point Paul Mayer leaves the City of Brooklyn's application in a pending status. This clearly is evidence of the previous point of the lack of checks and balances within the Region 33 process. Additionally, it succinctly spotlights a disingenuous handling of frequency allocations within the NPSPAC Region 33 FAC.

Where no committee is in place, no option to appeal the decision of the Chairperson can be challenged.

4. The State of Ohio unethically applying and receiving licenses for every NPSPAC channel within the State.

The final point of investigation into this matter deals with the fact that the State of Ohio has requested and received a license for all but twenty-five (25) of the two-hundred and thirty (230)

²⁰ See Exhibit E; City of Brooklyn application.

NPSAC channels within the State. Call Sign WPQX322 has licensed two-hundred and five (205) NPSAC channels as a Station Class FB2T, with an ERP of 1000 watts; thus granting the State of Ohio access to every channel. Upon initial review this gives the appearance that the State of Ohio is simply planning for the contingency that they may want to utilize these channels in the event of an emergency on a temporary basis. However, in light of the previously mentioned unethical approach to frequency allocation, the Joint Petitioners conclude that this application was submitted as an attempt to prevent future applicants from requesting these channels, even though they are licensed on a non-interference basis and as secondary operations.

PUBLIC INTEREST STATEMENT

The Commission's decision to authorize the State of Ohio modification of licensed WPQF782 is contrary to the public interest and threatens to derail the established rules that have been put into place by the commission. Having rules and regulations to abide by for all is a vital function in our society in which the public has a guaranteed equal right to fair decisions under the law. It would cause widespread abuse of the system if the commission goes against their own policy and procedure by not setting aside the State of Ohio's request for modification and would not be in the best public interest. The Commission's granting the Joint Petitioners request to deny the State of Ohio's license modification would be in the best public interest because it will ensure all frequency allocations will be handled equally for all Public Safety entities.

SUMMARY AND CONCLUSION

The Joint Petitioners have entered into an Inter-Governmental Agreement with seventeen (17) additional County, City and Township Governments to form the Southwest Council of Governments (SWCG). Each of the nineteen (19) members of the SWCG is allocating financial resources and frequencies to build a new wireless communication network. The Joint Petitioners are now unable to apply for the much needed Region 33 NPSPAC channels that were allocated for their use by the Region 33 NPSPAC Plan due to the inactions of IMSA and their representative ADC Telecom and the actions taken by the Region 33 NPSPAC “Committee” and the State of Ohio.

The Joint Petitioners contend that IMSA and their representative ADC Telecom misrepresented their qualifications and certifications with respect to the processing of NPSPAC frequency requests. The Joint Petitioners trusted what was represented to them as qualified and certified NPSPAC Certified Frequency Coordinators. This trust resulted in the submittal of an inadequate package to the NPSPAC Region 33 FAC.

The Joint Petitioners contend that the NPSPAC Region 33 “Committee” is a committee consisting of one single individual, Mr. Paul Mayer, who is the Region 33 Chairperson, the APCO Local Advisor, the 700 MHz Regional Chairperson, and the State of Ohio employee responsible for obtaining FCC licenses for the Ohio Statewide Communication System. This incestuous conundrum eliminates the checks and balances required by the FCC to ensure fair and equitable allocation of channels in the region. The Joint Petitioners contend that the action by the NPSPAC Region 33 FAC were acts of commission and not acts of omission. The Joint Petitioners did not have an opportunity to object to the NPSPAC decision prior to this new allocation of NPSPAC frequencies to the State of Ohio because no notification was made by the

Region 33 NPSPAC Committee and there was no representation on the Region 33 NPSPAC Committee from any source other than the Chairperson. The Joint Petitioners contend that the NPSPAC Region 33 FAC is in violation of the Region 33 Plan.

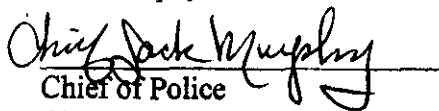
The Joint Petitioners contend that the State of Ohio has taken advantage of their monopoly over frequency allocation within the State by applying and receiving licenses for channels that were allocated to the Joint Petitioners.

CONCLUSION

After consideration of the evidence provided and for the reasons provided herein, the Joint Petitioners respectfully request that the FCC; (1) deny granting the license modification to call sign WPQF782 submitted by the State of Ohio, (2) investigate the policies, procedures and practices of the NPSPAC Region 33 Frequency Advisory Committee and provide a forum that will allow for the fair and equitable allocation of 800 MHz channels in the State of Ohio, (3) if the investigation supports the Joint Petitioners contention, the Joint Petitioners respectfully request that an independent audit be performed of the 800 MHz frequency allocation within NPSPAC Region 33, (4) if discrepancies or improprieties are noted during the independent audit, require that a revised NPSPAC Region 33 Plan be prepared by an impartial Committee and submitted to the FCC, (5) evaluate the State of Ohio's license for call sign WPQX322, and (6) allow the joint petitioners to file for NPSPAC frequencies under the new and unbiased accepted FCC Committee.

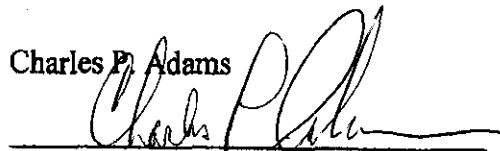
**Respectfully Submitted,
The City of Brooklyn, Ohio
and Medina County, Ohio**

Jack Murphy



Chief of Police
City of Brooklyn
7619 Memphis Avenue
Brooklyn, Ohio 44144
216-749-1234

Charles P. Adams



Director, Medina County of
Emergency Management A
555 Independence Drive
Medina, Ohio 44256
330-772-9240

By, Sandra L. Black, EMR Consulting 46 Allendale, Terre Haute, IN 47802, 812-229-4818

EXHIBIT
A
CHRONOLOGICAL CORRESPONDENCE

DIRECT CORRESPONDENCE TO COMMUNITY OUTREACH
 AND IS YOUR VOICE IN PUBLIC SAFETY COMMUNICATIONS

Page 1

[Handwritten Signature]
 incerely,
 Ronald E. Fisher

Before to be received by the local community for Ohio. I received
 the following address: number for the city of Cleveland, Ohio.
 Channel 8-658, Channel 8-658 and Channel 8-658

Dear Sirs,

Federal Communications Commission
 1221 Fairview Rd.
 Gettysburg, PA 17325

April 10, 1981



ASSOCIATED PUBLIC SAFETY COMMUNICATIONS OFFICERS, INC.

Page 02

CLEVELAND, OHIO

UNCLASSIFIED

2157419325

12/03/2004 14:32

Key 33

Joy Alford

From: Annette Ritchie
Sent: Monday, May 17, 2004 3:37 PM
To: Joy Alford
Subject: FW: Question on Region 33 800 Plan

Joy, Could you help me out with this question. I have no idea what he might be talking about. If you could give me some insight or information, it would be greatly appreciated. I will then pass the information onto Mr. Mayer.

thanks
Annette

-----Original Message-----

From: Mayer, Paul [mailto:paul.mayer@ohio.gov]
Sent: Monday, May 17, 2004 3:31 PM
To: Annette Ritchie; Jeannie Benfaida
Cc: Paul.Mayer@oit.ohio.gov
Subject: Question on Region 33 800 Plan

The previous chairman, Don Flahan, told me a long time ago that he had an 'agreement with Canada' where-in he didn't use the first 25 or 30 NPSPAC channels above Line A. Is this official or just a side-bar? Does there exist an official copy of the plan? I have my copy from when it was submitted in the early 90's but it's hard to guess how many changes / amendments there has been. The City of Cleveland and Cuyahoga County are talking massive up-grade and I need to have current data to do the job right!

Paul M. Mayer

APCO Local Advisor - OHIO
Chairman RPC 33 700 & 800 MHz.

Paul M. Mayer
Telecommunications Systems Analyst
Ohio Office of Information Technology
2323 West 5th Avenue, Suite 150
Columbus, Ohio 43204
Paul.Mayer@ohio.gov
614-995-0063 614.885.0067(Fax)
614.207.4460 (Cell)

6/28/2004

*Reg 33 (500100) File***Joy Alford**

From: Jeannie Benfaida
Sent: Tuesday, May 18, 2004 8:39 AM
To: 'Mayer, Paul'; Annette Ritchie
Cc: 'Paul.Mayer@oit.ohio.gov'; Joy Alford; Brian Maranco; Scot Stone
Subject: RE: Question on Region 33 800 Plan

Paul,

I left a voicemail message re: the question concerning Ohio's (ex-chair Paul Flahan's) 'agreement w/Canada' -- off hand it sounds like a side-bar, but we'll research the A-line restrictions/requirements matter and get back to you.

We have a complete hard/paper copy of Ohio's 800 MHz Plan and any subsequent amendments that were ever submitted for our review and approval. I checked to see if there's an electronic copy in the Commission's Electronic Comment Filing System (ECFS) and was unable to find the Plan or any amendments. But that does not mean there aren't any. I'll check tomorrow when I'm back in the office.

I didn't know you were both the 700 and 800 regional planning chair; did that occur recently? Let us know and we'll update our web page accordingly.

I'm telecommuting today and may be reached by phone at 703-851-7106.

Jeannie Benfaida
Program Analyst
Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau
202.418.2313

-----Original Message-----

From: Mayer, Paul [mailto:paul.mayer@ohio.gov]
Sent: Monday, May 17, 2004 3:31 PM
To: Annette Ritchie; Jeannie Benfaida
Cc: Paul.Mayer@oit.ohio.gov
Subject: Question on Region 33 800 Plan

The previous chairman, Don Flahan, told me a long time ago that he had an 'agreement with Canada' where-in he didn't use the first 25 or 30 NPSPAC channels above Line A. Is this official or just a side-bar? Does there exist an official copy of the plan? I have my copy from when it was submitted in the early 90's but it's hard to guess how many changes / amendments there has been. The City of Cleveland and Cuyahoga County are talking massive up-grade and I need to have current data to do the job right!

Paul M. Mayer

APCO Local Advisor - OHIO
Chairman RPC 33 700 & 800 MHz.

6/29/2004

Jeannie Benfald

From: Mayer, Paul [paul.mayer@ohio.gov]
Sent: Tuesday, May 18, 2004 4:28 PM
To: Jeannie Benfald; Annette Ritchie
Cc: Joy Alford; Brian Marengo; Scot
Subject: RE: Question on Region 33 800 Plan

Jeannie -- Thanks for looking. Ref the many Chairs, I was elected (drafted) as 700 chair and gained the 800 chair by virtue of the 800 plan which, in Section IX - 2(d), states that "The Chairman shall be the recognized APCO Local Advisor". When I was bestowed that position, I gained the additional hat. That doesn't count Secretary of the SIEC either. Let's see.... What else.... Oh well. That's enuff

//paul\\

Paul M. Mayer
Telecommunications Systems Analyst
2323 West 5th Avenue, Suite 150
Columbus, Ohio 43204
Paul.Mayer@ohio.gov
614-995-0063 614.995.0067(Fax)
614.207.4460 (Cell)

From: Jeannie Benfald (mailto:Jeannie.Benfald@fcc.gov)
Sent: Tuesday, May 18, 2004 8:39 AM
To: Mayer, Paul; Annette Ritchie
Cc: Mayer, Paul; Joy Alford; Brian Marengo; Scot Stone
Subject: RE: Question on Region 33 800 Plan

Paul,

I left a voicemail message re: the question concerning Ohio's (ex-chair Paul Flahan's) 'agreement w/Canada' -- off hand it sounds like a side-bar, but we'll research the A-line restrictions/requirements matter and get back to you.

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I'm telecommuting today and may be reached by phone at 703-851-7106.

Jeannie Benfald
Program Analyst
Public Safety and Critical Infrastructure Division
Wireless Telecommunications Bureau
202.418.2313

5/19/2004

>
> Not yet. I left a message for Paul , but no return call as yet.
>
> Don's letter doesn't identify when he retired, and most importantly,
> it should state that as "Regional Chair, I approved ... The following
> For the city of Brooklyn....., etc." or something along those
> lines, and that such assignment is in compliance with the Region 33
> 800 Plan.
>
> Jeannie Benfaida
> Program Analyst
> Public Safety and Critical Infrastructure Division
> Wireless Telecommunications Bureau
> Voice: 202.418.2313
> Fax: 202.418.6237
> Jeannie.Benfaida@fcc.gov
>
> -----Original Message-----
> From: Alireza Shahnami [mailto:acdtelecom@cfl.rr.com]
> Sent: Thursday, December 09, 2004 1:36 PM
> To: Jeannie Benfaida
> Subject: Region 33 - Ohio
>
> Hi Jeannie:
>
> Any news on the status of the chairmanship please? BTW, attached is
> what I received from the applicant, is that acceptable to you?
>
> Thx.
>
> Ali

04/28/2005

Sandra Black

From: "Jeannie Benfaida" <Jeannie.Benfaida@fcc.gov>
To: "Alireza Shahnami" <acdtelecom@cfl.rr.com>
Sent: Thursday, December 09, 2004 2:33 PM
Subject: RE: Region 33 - Ohio

Ali,
I just talked to Paul. Good news.

The Region 33 Plan, provides for the Chairmanship on page 15 Section 2(d) states "The Chair shall be the recognized APCO Local Advisor."

Their FCC approved plan permits transition in this manner -- no election is needed. Leadership in place.

Please send the application to Paul for review and approval.

Jeannie

-----Original Message-----

From: Alireza Shahnami [mailto:acdtelecom@cfl.rr.com]
Sent: Thursday, December 09, 2004 2:06 PM
To: Jeannie Benfaida
Subject: Re: Region 33 - Ohio

Jeannie:

Thank you for you response. I'll tell Don to modify his letter accordingly and resubmit, is that OK with you?

Ali

Jeannie Benfaida wrote:

> Ali,

04/28/2005

Sandra Black

From: "Ali Shahnami" <acdtelecom@cfl.rr.com>
To: <paul.mayer@das.state.oh.us>
Cc: "Alireza Shahnami" <acdtelecom@cfl.rr.com>
Sent: Thursday, December 09, 2004 4:02 PM
Attach: Brooklyn-OH FCC Form-IMSA#100548.pdf
Subject: City of Brooklyn, Ohio - IMSA #2004031100540100548

Hi Paul:

I just received a confirmation from Jeannie of FCC that you are 'officially' R33's Chair. So, I'm sending the attached application from the city for your review and approval please.

Please note that Don Flahan did review and approve these three channels, however, since this application post dates your chairmanship, I need you to bless it.

You can either mail your letter of approval or fax it to me.

Thanks,

Ali

Alireza Shahnami, President
ACD Telecom, Inc.
367 Eagle Creek Circle
Lake Mary, FL 32746
407.302.4223 Voice
407.302.4974 Fax
407.312.1540 Cell
acdtelecom@cfl.rr.com
"Public Safety R Us"

04/28/2005

Sandra Black

From: "Mayer, Paul" <paul.mayer@ohio.gov>
To: "Alireza Shahnam" <acdtelecom@cfl.rr.com>
Cc: "Mayer, Paul" <Paul.Mayer@oit.ohio.gov>
Sent: Monday, December 20, 2004 9:06 AM
Attach: Documentation req'd with 800 Application-R33.doc
Subject: RE: City of Brooklyn, Ohio - IMSA #2004031100540100548

Ali - Please supply the information requested.

Paul M. Mayer, Chairman
Region 33 700/800 MHz. RPC
APCO Local Advisor - OHIO

Ohio Office of Information Technology
2323 West 5th Ave. Suite 150
Columbus OH 43204
614-995-0063 fax-614-995-0067 cell-614-207-4460

paul.mayer@ohio.gov
mayerp@apco911.org

-----Original Message-----

From: Alireza Shahnam [mailto:acdtelecom@cfl.rr.com]
Sent: Monday, December 20, 2004 8:12 AM
To: Mayer, Paul
Subject: City of Brooklyn, Ohio - IMSA #2004031100540100548

Hi Paul:

Can you tell me the status of the application please?

Merry Christmas and Happy New Year.

Ali

05/04/2005

Sandra Black

From: "Alireza Shahnam" <acdtelecom@cfi.rr.com>
To: <alclose@clecom.com>
Cc: "Paul Mayer" <paul.mayer@das.state.oh.us>; <paul.mayer@ohio.gov>
Sent: Monday, December 20, 2004 9:38 AM
Attach: Brooklyn-OH FCC Form-IMSA#100548.pdf, Supplemental Info Request For R33-City of Brooklyn App.doc
Subject: City of Brooklyn, OH - IMSA ##2004031100540100548

Alan:

Attached is the copy of the application as it appears on IMSA's system and Region 33's request for supplemental information.

If you have any questions or need additional information about the region's requirements, please call or email Paul.

Thanks,

Ali

Paul's details:

Ohio Office of Information Technology
2323 West 5th Ave. Suite 150
Columbus OH 43204

Work 614-995-0063
fax 614-995-0067

paul.mayer@ohio.gov
mayerp@apco911.org

05/04/2005

Sandra Black

From: "Alan Close" <alclose@clecom.com>
To: <sblack@ma.rr.com>
Sent: Tuesday, May 03, 2005 8:51 PM
Subject: Fwd: Brooklyn Application

Here's another

Alan

>Date: Thu, 10 Feb 2005 09:27:47 -0500
>To: paul.meyer@ohio.gov
>From: Alan Close <alclose@clecom.com>
>Subject: Brooklyn Application
>
>Hi Paul,
>
> It's been a while since IMSA submitted the application for 800 MHz
> freq's for the city of Brooklyn, OH but now that I have a few minutes
> I've noticed that I need to answer a few questions for you.
>
> (1) This is a new filing for Brooklyn, however it's an augmentation of
> Parma's existing system. We have a very comprehensive plan in place to
> expand not only the coverage of but the participants of the Parma system.
> The three frequency's being applied for will be a part of this.
>
>(2) I'm not sure what your asking for on this questions. Please explain.
>
>(3) This system will be interoperable with all agencies in Cuyahoga and
>bordering communities through a Network First type link.
>
>(4) What relevance does budgeting have on frequency allocations?
>
>(5) 1-2 years.
>
>(6) This system is capable of interfacing with any known type of radio
>system through Network First.
>

05/04/2005

>Ohio Office of Information Technology
>2323 West 5th Ave. Suite 150
>Columbus OH 43204
>614-995-0063 fax-614-995-0067 cell-614-207-4460
>
>paul.mayer@ohio.gov
>mayerp@apco911.org
> -----Original Message-----
>From: Alan Close [mailto:alclose@clecom.com]
>Sent: Thursday, February 24, 2005 5:17 PM
>To: Mayer, Paul
>Subject: Fwd: Parma Interference and Brooklyn 800 Freqs
>
>
>>Date: Thu, 24 Feb 2005 16:30:48 -0500
>>To: paul.meyer@ohio.gov
>>From: Alan Close <alclose@clecom.com>
>>Subject: Parma Interference and Brooklyn 800 Freqs
>>
>>Hi Paul,
>>
>> I haven't heard anything regarding the interference issue on Parma's
>800
>> system. Do you have any information for me on that? Parma called me
>this
>> morning to inquire. I told them I'd check. They indicated to me that
>they
>> continue to have periods when they receive the interference.
>>
>> I'm also inquiring about the status of my application for three
>freq's
>> in the city of Brooklyn. I sent you the questionnaire that Ali from
>IMSA
>> sent to me. I haven't heard anything about that filing in some time.
>> Brooklyn is asking for information also.
>>
>>Thank You.
>>

05/22/2005

>
>
>Paul M. Mayer
>APCO Local Advisor - OHIO
>
>Ohio Office of Information Technology
>2323 West 5th Ave. Suite 150
>Columbus OH 43204
>614-995-0063 fax-614-995-0067 cell-614-207-4460
>
>paul.mayer@ohio.gov
>mayerp@apco911.org
>
>
>-----Original Message-----
>From: Mayer, Paul
>Sent: Friday, February 25, 2005 8:30 AM
>To: Alan Close
>Cc: Mayer, Paul
>Subject: RE: Parma Interference and Brooklyn 800 Freqs
>
>I have called up there several times, leaving messages for Sgt. Gerbic
>but he has yet to call me back. Apparently he works midnights. Can you
>shed any light on it? If the source of the interference is known, why
>don't we just refer it to the FCC?
>
>Paul M. Mayer
>APCO Local Advisor - OHIO
>
>Ohio Office of Information Technology
>2323 West 5th Ave. Suite 150
>Columbus OH 43204
>614-995-0063 fax-614-995-0067 cell-614-207-4460
>
>paul.mayer@ohio.gov
>mayerp@apco911.org
> -----Original Message-----
>From: Alan Close [mailto:alclose@clecom.com]

05/22/2005

>Oops...forgot Brooklyn: I just reviewed the folder and my e-mail file.
>I have no record of receiving the questionnaire back from you or Ali.
>
>As to the frequencies, 866.7625 and 868.7375 are designated in the
>Region 33 plan for Turnpike operations. As such, they will be absorbed
>into the MARCS in the very near future. 866.8250 is ok, un-used and
>assigned to Cuyahoga County. I find no other frequencies in the plan
>for Cuyahoga County that remain un-assigned.
>
>
>
>Paul M. Mayer
>APCO Local Advisor - OHIO
>
>Ohio Office of Information Technology
>2323 West 5th Ave. Suite 150
>Columbus OH 43204
>614-995-0063 fax-614-995-0067 cell-614-207-4460
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>don't we just refer it to the FCC?
>
>Paul M. Mayer
>APCO Local Advisor - OHIO
>

05/22/2005

Sandra Black

From: "Alan Close" <alclose@clecom.com>
To: <acotelecom@cfl.rr.com>
Sent: Wednesday, March 02, 2005 1:05 PM
Subject: FW: Parma Interference and Brooklyn 800 Freqs

Hi Ali,

I am forwarding this e-mail from Paul Mayer to let you know what his response to my filing is. I find his response to be unacceptable. He isn't allowed to "reserve" frequencies for a customer who may in the future want to "absorb" the channels. I have an application pending not them. What can I do from here.

I see a definite conflict of interest here. He works for Ohio MARCS. It stands to reason that he'd protect them first.

Thanks,

Alan Close

>Envelope-to: alclose@clecom.com
>Subject: FW: Parma Interference and Brooklyn 800 Freqs
>Date: Fri, 25 Feb 2005 08:50:09 -0500
>X-MS-Has-Attach:
>X-MS-TNEF-Correlator:
>Thread-Topic: Parma Interference and Brooklyn 800 Freqs
>Thread-Index:
AcUavo90bDZYR3MZQ/KkWj8jGzi1RQAfRCgAAAC8LYA=
>From: "Mayer, Paul" <paul.mayer@ohio.gov>
>To: "Alan Close" <alclose@clecom.com>
>Cc: "Mayer, Paul" <Paul.Mayer@oit.ohio.gov>
>X-OriginalArrivalTime: 25 Feb 2005 13:50:27.0612 (UTC)
>FILETIME=[F66CF5C0:01C51B40]
>X-Keywords:
>
>

05/22/2005

**EXHIBIT
B**

FAX COVER SHEET FROM IMSA



International Municipal Signal Association

Fire/EMS Frequency Coordination

(401) 738-2220
FAX (401) 738-7336
fireems@freqcoord.org



International Association of Fire Chiefs

TELEFAX COVER SHEET

THIS MESSAGE CONSISTS OF 12 SHEET (S) FOLLOWING
THIS COVER LETTER.

SHOULD ANY PORTION OF THIS MESSAGE BE RECEIVED POORLY CONTACT
THE SENDER BY VOICE AT (401) 738-2220

DATE: March 18, 2005

DIRECTED TO: SANDRA BLACK (812)299-4817

FROM: IMSA

RETURN TELEFAX AUTOMATIC ANSWER PHONE

(401) 738-7336

MEMO:

PER OUR TELEPHONE CONVERSATION, THE FCC
FORM 601 FOR THE CITY OF BROOKLYN, OH
FOLLOW THIS COVER SHEET.
FYI - \$80.00 HAS BEEN PAID ON THIS APPLICATION
\$160.00 IS DUE.
FOR QUESTIONS, PLEASE CALL OUR 800 MHz
COORDINATOR, ALI SHAHNAMI:
(407)302-4223
acdtelecom@cfl.cr.com

The information contained in the facsimile message is privileged, confidential, and
intended only for the use of the individual or entity named above. If the reader of this
message is not the intended recipient or the agent of employee responsible for delivery of
the message to the intended recipient, you are hereby notified that dissemination,
distribution or copying of this communication is strictly prohibited. If you have received
this communication in error, please notify us immediately by telephone and return the
message to us at the above address via the United States Postal Service.

200 Metro Center Blvd., Ste. 5, Warwick, RI 02886

**EXHIBIT
C**

**NPSPAC REGION 33 SUPPLEMENT DOCUMENTATION
FORM**

REGION 33 – OHIO

DOCUMENTATION REQUIRED WITH AN 800 MHz. NPSPAC APPLICATION

Region 33 Plan, Section IV (5) Supplement to the application form (FDR-3)

With each application (APCO form FDR-3 and FCC form 574 601) submitted to the Frequency Advisory Committee (FAC), the applicant shall also supply the following supplemental information:

1. Statement of need for a new system.
2. Details of the jurisdictional survey showing minimum radio coverage required.
3. Explanation of how the system will interoperate with related services in other bands.
4. Explanation of any budget commitment that has been made for the proposed system.
5. Proposed time schedule for implementation.
6. Explanation of how the system will interface / interoperate with long-range radio communication such as amateur, satellite and / or emergency management communications systems.
7. Explanation and certification of how the applicant will comply with the common channel requirements.
8. Explanation as the extent of participation in a cooperative / multi-agency system.
9. Explanation and time schedule for vacating presently authorized frequencies (if any).

**EXHIBIT
D**

**NPSPAC REGION 33 PLAN
PAGES 15 AND 16**

VII. OPERABILITY PERPETUATION

1. Continuation of current Local Operating Networks is to be encouraged.
2. Migration to 800MHz or other bands is encouraged as frequencies become available.
3. Formation of Trunking Groups of eligible users is to be encouraged.
4. Formation of Trunking Groups in major metropolitan areas is to be encouraged.
5. Definition. "Trunking Group": A contiguous group of eligible Public-Safety radio users who form or become members of any organization for the purpose of operating a shared Trunking Radio System.

VIII. TRAINING

1. The State shall offer and maintain state-of-the-art training for communicators.
2. The APCO Communicators' Training Course is recommended as a common training base for all Public-Safety Communicators.

IX. OVERSIGHT

1. The Oversight Committee shall be the Frequency Advisory Committee of the Ohio Chapter, Associated Public-Safety Communications Officers, Inc (OHIO APCO FAC).
2. The Committee shall be representative of all Public-Safety users.
 - a. Each User Group (see Appendix D-3) shall provide one(1) representative; if any User Group fails to provide a representative, its position will be left vacant while the Committee operates in the usual manner.
 - b. Up to five(5) additional members of each User Group may be ex-officio members of the Committee.
 - c. In matters requiring a vote, each user Group present at the meeting is to be considered based upon the Point Value Ratings specified in Appendix D on page D-3. Simple majority will rule.
 - d. The Chairman shall be the recognized APCO Local Advisor. The Chairman shall decide tie votes, not be counted as a user group representative and may promulgate rules, in addition to those herein, as necessary to assure proper operation of the coordination process.

08/25/89

e. Roberts Rules of Order shall govern all matters not covered herein.

3. The Committee shall act impartially regarding all Plan matters.

4. The Committee shall evaluate applications where conflict exists for available spectrum in accordance with the EVALUATION CRITERIA described in Appendix D.

5. The Committee shall accept and review matters from any user or user group within Region 33 or adjacent regions.

6. The Committee may revise or modify this Plan as deemed necessary to keep pace with advancement in technology and changing user needs.

7. Exceptions for State agencies

a. While the NPSPAC Final Report recommended and the FCC concurred, that trunking technology be employed by those licensees requesting "more than four(4) channels" (at one site), the Ohio Plan requires trunking for licensees having more than two(2) channels at a single site.

b. Exceptions to this guideline rests with a committee consisting of persons responsible for routine frequency coordination within the Department of Transportation and the Department of Highway Safety, Division of Highway Patrol and the Ohio Frequency Advisory Committee (FAC) Chairman. If one of the above named persons holds two(2) positions on this committee, a third person is to be named by the Manager, State Telecommunications Division, Department of Administrative Services.

c. The purpose of this committee is to review plans of any state agency requesting more than two(2) conventional single-site channels and to study the methods of spectrum management and efficiency of use. This committee shall also review and advise on geographic separation cases where a similar or the same agency requests co-channel use with an existing system less than seventy(70) miles apart. The Chairman shall also review all plans with the Oversight Committee and forward the findings to the FCC for final determination.

8. Exceptions for all other agencies

a. Applicants for exceptions to the Plan shall submit them to the Oversight Committee.

b. The Oversight Committee shall review the exceptions and render their recommendation to the applicant for disposition as necessary.

07/10/89

-16-

(APPENDICES FOLLOW)

**EXHIBIT
E**

CITY OF BROOKLYN APPLICATION

FCC 601
Main FormFCC Application for Wireless Telecommunications Bureau
Radio Service AuthorizationApproved by OMB
3000 - 0798
See instructions for
public burden estimate

1) Radio Service Code: YF	1e) Existing Radio Service Code:
------------------------------	----------------------------------

Application Purpose (Select only one) (NE)

2) NE - New MD - Modification AM - Amendment	RO - Renewal Only RM - Renewal/Modification CA - Cancellation of License	CO - Consolidate Call Signs WD - Withdrawal of Application DU - Duplicate License	NT - Required Notifications EX - Requests for Extension of Time AU - Administrative Update
3a) If this request is for a Developmental License, Demonstration License, or a Special Temporary Authorization (STA), enter the code and attach the required exhibit as described in the instructions. Otherwise enter N (Not Applicable).			(N) Yes No
3b) If this request is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.			(N) Yes No
4) If this request is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.			File Number
5) If this request is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Consolidate Call Signs, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license.			Call Sign
6) If this request is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).			MM DD
7) Is this request "major" as defined in Section 1.928 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of Section 1.928)			(Y) Yes No
8a) Does this filing request a Waiver of the Commission's rules? If 'Yes', attach an exhibit providing rule numbers and explaining circumstances.			(N) Yes No
8b) If a feasible waiver request is attached, multiply the number of stations (call signs) times the number of rule sections and enter the result.			
8c) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?			(N) Yes No
9) Are attachments being filed with this application?			(Y) Yes No

Applicant Information

10a) Taxpayer Identification Number:	10b) SSN:	10c) FCC Registration Number (FRN): 10544377
11) Applicant/Licensee is a(n) (C)		
Individual Corporation	Unincorporated Association Limited Liability Corporation	Trust Partnership Government Entity Joint Venture Consortium
12) First Name (if individual):	MI:	Last Name: Suffix:
13) Entity Name (if other than individual): BROOKLYN, CITY OF		
14) Name of Real Party in Interest of Applicant:		15) Taxpayer Identification Number:

Applicant Information (continued)

16) Attention To: David Miller			
17) P.O. Box:	And 10r	18) Street Address: 7619 Memphis Ave.	
19) City: Brooklyn	20) State: OH	21) Zip: 44144	
22) Telephone Number: (216) 398-6500		23) FAX:	
24) E-Mail Address:			

Contact Information (if different from the applicant)

25) First Name: Jerry	MI:	Last Name: Walker	Suffix:
26) Entity Name: Business Radio Licensing			
27) P.O. Box:	And 10r	28) Street Address: 26941 Cabot Rd #134	
29) City: Laguna Hills	30) State: CA	31) Zip: 92653	
32) Telephone Number: (949) 348-8510		33) FAX:	
34) E-Mail Address: JWALKBRL@AOL.COM			

Regulatory Status

35) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):			
<input type="checkbox"/> Common Carrier	<input type="checkbox"/> Non-Common Carrier	<input checked="" type="checkbox"/> Private, internal communications	<input type="checkbox"/> Broadcast Services <input type="checkbox"/> Band Manager

Type of Radio Service

36) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):			
<input type="checkbox"/> Fixed	<input checked="" type="checkbox"/> Mobile	<input type="checkbox"/> Radiolocation	<input type="checkbox"/> Satellite (ground) <input type="checkbox"/> Broadcast Services
37) Interconnected Service?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Fee Status

38) Is the applicant exempt from FCC application fees?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
39) Is the applicant exempt from FCC regulatory fees?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Alien Ownership Questions (If any answer is Yes, attach exhibit explaining circumstances.)

40) Is the applicant a foreign government or the representative of any foreign government?	(N Yes No
41) Is the applicant an alien or the representative of an alien?	(N Yes No
42) Is the applicant a corporation organized under the laws of any foreign government?	(N Yes No
43) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	(N Yes No
44) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	(N Yes No

Basic Qualification Questions (If any answer is Yes, attach exhibit explaining circumstances.)

45) Has the applicant or any party to this application or amendment had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission?	(N Yes No
46) Has the applicant or any party to this application or amendment, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?	(N Yes No
47) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	(N Yes No
48) Is the applicant or any party directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items?	(N Yes No

49) Race, Ethnicity, and Gender of Applicant/Licensee (Optional)

Race:	American Indian or Alaska Native	Asian	Black or African-American	Native Hawaiian or Other Pacific Islander	White
Ethnicity:	Hispanic or Latino	Not Hispanic or Latino			
Gender:	Female	Male			

General Certification Statements

1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as regards the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2) The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule. *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 882, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to Applications filed in services exempted under Section 1.2002(c) of the rules, 47 CFR § 1.2002(c). See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5) The applicant certifies that if either (1) has a current Form 602 on file with the Commission, (2) is filing an updated Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's Rules.
6) The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.

Signature

51) Typed or Printed Name of Party Authorized to Sign

First Name: David	MI: J	Last Name: Miller	Suffix:
52) Title: Sergeant			
Signature: David J Miller			53) Date:

Failure To Sign This Application May Result In Dismissal Of The Application And Forfeiture Of Any Fees Paid.

Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, §312(e)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, §803).

FCC 601
Schedule DWireless Telecommunications Bureau Schedule for
Station Locations and Antenna StructuresApproved by: OMB
3000 - 0758
See 601 Main Form instructions
for public burden estimate

1) Action Requested: (A) <u>Add</u> <u>Mod</u> <u>Del</u>		2) Location Number: <u>1</u>	
3) Location Description: <u>F</u>		4) Area of Operation Code:	
5) Location Name:		6) FCC Antenna Structure Registration # or N/A (FAA Notification not Required) <u>1054608</u>	
7) Latitude (DD-MM-SS.S): <u>41</u> <u>21</u> <u>48</u>		8) Longitude (DDD-MM-SS.S): <u>81</u> <u>42</u> <u>57</u>	
NAD83 (N) N or S		NAD83 (W) E or W	
9) Street Address, Name of Landing Area, or Other Location Description: <u>4501 W PLEASANT VALLEY RD</u>			
10) City: <u>PARMA</u>	11) State: <u>OH</u>	12) County: <u>Cuyahoga</u>	
13) Elevation of Site AMSL (meters) (a in antenna structure example): <u>354</u>	14) Overall Ht AGL Without Appurtenances (meters) (b in antenna structure example): <u>230</u>	15) Overall Ht AGL With Appurtenances (meters) (c in antenna structure example): <u>266</u>	
16) Support Structure Type: <u>TOWER</u>			
17) Location Number: (only for Area of Operation Code 'A')	18) Radius (km):	19) Airport Identifier:	20) Site Status: <u>P</u>
21) Maximum Latitude (DD-MM-SS.S): Use for rectangle only (Northwest corner)		22) Maximum Longitude (DDD-MM-SS.S): Use for rectangle only (Northwest corner)	
NAD83 () N or S		NAD83 () E or W	
23) Do you propose to operate in an area that requires frequency coordination with Canada? <u>(N) Yes</u> <u>No</u>			
24) Description: (only for Area of Operation Code 'Q')			
25) Number of Units: <u>Hand Held</u> <u>Mobile</u> <u>Temporary Fixed</u> <u>Aircraft</u> <u>Itinerant</u>			
26) Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? See Section 1.1307 of 47 CFR. If 'Yes', submit an environmental assessment as required by 47 CFR, Sections 1.1308 and 1.1311. <u>(N) Yes</u> <u>No</u>			
27) If the proposed site is located in one of the quiet zones listed in Item 27 of the Instructions, provide the date (mm/dd/yy) the proper authority was notified:			

FCC 601
Schedule DWireless Telecommunications Bureau Schedule for
Station Locations and Antenna StructuresApproved by OMB
2000 - 0796
See 801 Main Form Instructions
for public burden estimate

1) Action Requested: (A) <u>Add</u> <u>Mod</u> <u>Del</u>		2) Location Number: <u>2</u>	
3) Location Description: <u>M</u>		4) Area of Operation Code: <u>A</u>	
5) Location Name:			
6) FCC Antenna Structure Registration # or N/A (FAA Notification not Required)			
7) Latitude (DD-MM-SS.S): <u>NAD83</u> () N or S		8) Longitude (DDD-MM-SS.S): <u>NAD83</u> () E or W	
9) Street Address, Name of Landing Area, or Other Location Description:			
10) City:	11) State:	12) County:	
13) Elevation of Site AMSL (meters) (a in antenna structure example):	14) Overall Ht AGL Without Appurtenances (meters) (b in antenna structure example):	15) Overall Ht AGL With Appurtenances (meters) (c in antenna structure example):	
16) Support Structure Type:			
17) Location Number: (only for Area of Operation Code 'A') <u>1</u>	18) Radius (km): <u>55</u>	19) Airport Identifier:	20) Site Status:
21) Maximum Latitude (DD-MM-SS.S): Use for rectangle only (Northwest corner) <u>NAD83</u> () N or S		22) Maximum Longitude (DDD-MM-SS.S): Use for rectangle only (Northwest corner) <u>NAD83</u> () E or W	
23) Do you propose to operate in an area that requires frequency coordination with Canada? <u>(N)</u> Yes No			
24) Description: (only for Area of Operation Code 'O')			
25) Number of Units: <u> </u> Hand Held <u> </u> Mobile <u> </u> Temporary Fixed <u> </u> Aircraft <u> </u> Itinerant			
26) Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? See Section 1.1307 of 47 CFR. # 'Yes', submit an environmental assessment as required by 47 CFR, Sections 1.1306 and 1.1311. <u>(N)</u> Yes No			
27) If the proposed site is located in one of the quiet zones listed in Item 27 of the instructions, provide the date (mm/dd/yyyy) the proper authority was notified:			

FCC 601
Schedule DWireless Telecommunications Bureau Schedule for
Station Locations and Antenna StructuresApproved by: OMB
2000 - 0708
See 601 Main form instructions
for public burden estimate

1) Action Requested: (A) <input type="checkbox"/> Add <input checked="" type="checkbox"/> Mod <input type="checkbox"/> Del		2) Location Number: 3	
3) Location Description: C		4) Area of Operation Code: X	5) Location Name:
6) FCC Antenna Structure Registration # or N/A (FAA Notification not Required)			
7) Latitude (DD-MM-SS.S): NAD83 () N or S		8) Longitude (DDD-MM-SS.S): NAD83 () E or W	
9) Street Address, Name of Landing Area, or Other Location Description:			
10) City:	11) State: OH	12) County:	
13) Elevation of Site AMSL (meters) ('a' in antenna structure example):	14) Overall Ht AGL Without Appurtenances (meters) ('b' in antenna structure example):	15) Overall Ht AGL With Appurtenances (meters) ('c' in antenna structure example):	
16) Support Structure Type:			
17) Location Number: (only for Area of Operation Code 'A')		18) Radius (km):	19) Airport Identifier: 20) Site Status:
21) Maximum Latitude (DD-MM-SS.S): NAD83 () N or S Use for rectangle only (Northwest corner)		22) Maximum Longitude (DDD-MM-SS.S): NAD83 () E or W Use for rectangle only (Northwest corner)	
23) Do you propose to operate in an area that requires frequency coordination with Canada?			N <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
24) Description: (only for Area of Operation Code 'O')			
25) Number of Units: <input type="checkbox"/> Hand Held <input type="checkbox"/> Mobile <input type="checkbox"/> Temporary Fixed <input type="checkbox"/> Aircraft <input type="checkbox"/> Itinerant			
26) Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? See Section 1.1307 of 47 CFR. If 'Yes', submit an environmental assessment as required by 47 CFR, Sections 1.1308 and 1.1311.			N <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
27) If the proposed site is located in one of the quiet zones listed in Item 27 of the instructions, provide the date (mm/dd/yy) the proper authority was notified:			

FCC 601
Schedule HTechnical Data Schedule for the
Private Land Mobile and Land Mobile Broadcast Auxiliary
Radio Services (Parts 90 and 74)Approved by OMB
3060 - 0798
See 601 Mini Form Instructions
for public burden estimate

Eligibility

1) Rule Section: 90.617	2) Describe Activity: police department
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Frequency Coordinator Information (If not self-coordinated)

3) Frequency Coordination Number	4) Name of Frequency Coordinator	5) Telephone Number	6) Coordination Date
2004031100540100548	IMSA	(401) 738-2220	11/09/2004
7) Has this application been successfully coordinated?			(Y) Yes/No

Extended Implementation (Slow Growth)

8) Are you requesting a new or modified extended implementation plan? If 'Yes', attach an exhibit with a justification and a proposed station construction schedule.	(N) Yes/No
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Associated Call Signs (Attach additional sheets if required)

9)				

Broadcast Auxiliary Only

If there is an associated Parent Station, complete items 10-12.	10) Facility Id of Parent Station:	11) Radio Service of Parent Station: NA	12) City and State of Parent Station Principal Community:
13) If there is no associated parent station, this applicant is a: () Broadcast Network Entity Television Cable Operator Motion Picture Producer Television Producer			14) State of Primary Operation:

Control Point(s) (Other than at the transmitter) (Attach additional sheets if required)

15) Action A/M/D	16) Control Point Number	17) Location Street Address, City or Town, County, State	18) Telephone Number
A	1	7619 Memphis Ave., Brooklyn, Cuyahoga, OH	(216) 398-6500

FCC 601 Schedule H
November 2004 - Page 1

Frequency Information

28) Action: () A/N/D	29) Location Number:	30) Antenna Number:	31) Frequency (MHz)		32) Station Class	33) No. of Units	34) No. of Paging Receivers	35) Output Power (watts)	36) ERP (watts)	37) Emission Designators
A	1	1	Existing (if mod)	New 866.7625	FB2C	1		100	125	
A	1	1	Existing (if mod)	New 866.825	FB2C	1		100	125	
A	1	1	Existing (if mod)	New 868.7375	FB2C	1		100	125	
A	2	1	Existing (if mod)	New 821.7625	MO	150		35	35	
A	2	1	Existing (if mod)	New 821.825	MO	150		35	35	
A	2	1	Existing (if mod)	New 823.7375	MO	150		35	35	
A	3	1	Existing (if mod)	New 821.7625	FX1	1		100	100	
A	3	1	Existing (if mod)	New 821.825	FX1	1		100	100	
A	3	1	Existing (if mod)	New 823.7375	FX1	1		100	100	
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						

Emission Information

28) Action: () A/M/D	29) Location Number:	30) Antenna Number:	31) Frequency (MHz)		32) Station Class	33) No. of Units	34) No. of Paging Receivers	35) Output Power (watts)	36) ERP (watts)	37) Emission Designators
A	1	1	Existing (if mod)	New 866.7625						11K2F1D
A	1	1	Existing (if mod)	New 866.7625						11K2F3E
A	1	1	Existing (if mod)	New 866.825						11K2F1D
A	1	1	Existing (if mod)	New 866.825						11K2F3E
A	1	1	Existing (if mod)	New 868.7375						11K2F1D
A	1	1	Existing (if mod)	New 868.7375						11K2F3E
A	2	1	Existing (if mod)	New 821.7625						11K2F1D
A	2	1	Existing (if mod)	New 821.7625						11K2F3E
A	2	1	Existing (if mod)	New 821.825						11K2F1D
A	2	1	Existing (if mod)	New 821.825						11K2F3E
A	2	1	Existing (if mod)	New 823.7375						11K2F1D
A	2	1	Existing (if mod)	New 823.7375						11K2F3E
A	3	1	Existing (if mod)	New 821.7625						11K2F1D
A	3	1	Existing (if mod)	New 821.7625						11K2F3E
A	3	1	Existing (if mod)	New 821.825						11K2F1D
A	3	1	Existing (if mod)	New 821.825						11K2F3E
A	3	1	Existing (if mod)	New 823.7375						11K2F1D
A	3	1	Existing (if mod)	New 823.7375						11K2F3E
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						
			Existing (if mod)	New						